

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

MDL No. 2419
Master Dkt. 1:13-md-02419-RWZ

THIS DOCUMENT RELATES TO:

All Actions

**LEAD COUNSEL'S OPPOSITION TO
BARRY CADDEN'S REQUEST
FOR ACCESS TO PSC REPOSITORY [ECF NO. 3079]**

Lead counsel opposes Barry Cadden's request for access to the U.S. Legal repository maintained by the PSC.

The repository serves to aid parties litigating civil lawsuits by collecting, in one place, discovery materials produced in the MDL. Mr. Cadden has been released from all civil claims. The Rules of Criminal Procedure give Mr. Cadden many other mechanisms by which he can take discovery. We agree with the Government that Mr. Cadden has not shown a need to access these civil litigation materials.

Maintaining the repository is expensive. The PSC bears this cost – defrayed somewhat by one-time up-front user fees. We currently owe U.S. Legal about \$75,000. And we continue to accrue monthly storage costs and a monthly per-user fee. The PSC is trying to cut costs by removing legacy users (including Mr. Cadden) that are no longer litigating civil claims. At the same time, we are increasing costs by providing access to parties in state civil litigation that are newly requesting access. Adding an additional eleven users from the criminal case imposes an extra charge of at least \$825 a month, but likely more.

For these reasons, we oppose Mr. Cadden's motion for access.

Dated: September 13, 2016

Respectfully submitted,

/s/ Thomas M. Sobol

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Plaintiffs' Steering Committee

CERTIFICATE OF SERVICE

I, Thomas M. Sobol, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: September 13, 2016

/s/ Thomas M. Sobol

Thomas M. Sobol